

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2419  
Master Dkt.: 1:13-md-02419-FDS

**THIS DOCUMENT RELATES TO:**

All Actions

**[Proposed] MDL Order No. 6A**  
September \_\_\_, 2013

**REVISED CASE MANAGEMENT SCHEDULE**

MDL Order #6 established case management procedures and a schedule to coordinate the efficient litigation of the cases centralized in *In re New England Compounding Pharmacy, Inc., Products Liability Litigation*, MDL No. 2419 (“MDL 2419”). All provisions in MDL Order #6 remain in effect unless they are obviated or amended by the revised case management schedule below.

The Court hereby enters the following case management schedule:

<b>Event</b>	<b>New Date / Deadline</b>
Discovery of NECC and the Affiliated Defendants.	Stayed until further order of the court, to be revisited at each status conference <sup>1</sup>
Deadline for NECC and Affiliated Defendants' to answer Complaints, conduct discovery, and serve expert reports	Stayed until further order of the Court
Fact discovery (a) Unaffiliated Defendants, and non-parties for all purposes, and (b) as	Begins forthwith, subject to the Mediation Order as it may apply as to any participating defendant.

<sup>1</sup> Plaintiffs intend to move to lift the stay and revisit NECC's and the Affiliated Defendants' obligations to answer complaints if there are no material developments before the October 2013 status conference.

to plaintiffs for purposes of determining bellwether cases.	
Answers to all complaints directly filed or transferred into the MDL in one year statute states (TN, OH, AL, KY, LA) by August 28, 2013 due. (All answers for cases involving plaintiffs or defendants from TN, OH, AL, KY, LA directly filed or transferred into the MDL after August 28, 2013 will be due 21 days after service).	September 25, 2013
Master Complaint and form Short Form Complaint filed.	November 5, 2013
Deadline to file Short Form Complaint joining the Master Complaint for the previously filed cases and any cases wishing to be in the first bellwether pool	November 29, 2013
Deadline to file Master Answers and/or Generic Motions to Dismiss (case specific motions at a later date if case is selected for bellwether trial)	December 2, 2013
Deadline for Completion of Plaintiff Profile Form for cases wishing to be in the first bellwether pool	January 3, 2013
Selection of six (6) bellwether cases finalized to pursue case specific discovery.	January 17, 2013
Common fact discovery closes (excluding bellwethers).	Completed by February 14, 2014
All common expert reports due.	February 28, 2014
All common responsive expert reports due.	March 31, 2014
All common rebuttal expert reports due.	April 30, 2014
Case specific bellwether discovery closes.	April 30, 2014
Narrowing of bellwether cases to 2 cases for trial	May 16, 2014
All common expert deposition to be completed.	May 30, 2014

Case specific expert reports due. Simultaneous disclosure by plaintiff and defendant.	May 30, 2014
Case specific expert depositions completed.	June 30, 2014
Summary judgment <sup>2</sup> and <i>Daubert</i> briefing	Completed by July 31, 2014
Trial(s)	September 2014

IT IS SO ORDERED.

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The Honorable F. Dennis Saylor IV  
United States District Judge

Dated: September \_\_\_, 2013

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<sup>2</sup> The deadline to oppose substantive motions filed before a case was transferred to the MDL shall be stayed. Motions under Federal Rules of Civil Procedure 12 and 56 shall be briefed according to this schedule. As to any other motion not governed by this schedule, the parties shall address an appropriate briefing schedule at the next status conference.